

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-11 and 13-25 were pending in this application when last examined and stand rejected.

Claim 1 is amended to incorporate the subject matter of claims 6-8. Claim 14 is amended to incorporate the subject matter of claims 6 and/or 21. Further support can be found at page 3, lines 16-18, page 6, lines 1-25, and page 9, lines 8-25. Other minor editorial revisions have been made to claims 1 and 4 to better conform to U.S. claim form and practice. Such revisions are non-substantive and not intended to narrow the scope of protection. No new matter has been added.

New claim 26 and 27 have been added that further specify that the ion conductor comprises an electrolyte in a fuel cell, a secondary battery, an electric double layer capacitor, or an electrolytic capacitor as supported by the disclosure at page 22, lines 1-2.

New claim 28 has been added that corresponds to claim 14 but incorporates the subject matter of claims 20 and 21. Accordingly, new claim 28 specifies that the base component of claim 14 comprises both 2-ethyl-4-methylimidazole and 4-methylimidazole, and optionally 2-ethylimidazole.

No new matter has been added by these amendments.

Please consider and examine the new claims with the examined claims, as the new claims merely relate to embodiments previously considered that comprise the examined ion conductor.

Claims 2, 6-8, and 15-21 have been cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional application on any cancelled subject matter.

Claims 1, 3-5, 9-11, 13-14, and 22-28 are pending upon entry of this amendment.

Applicants are submitting the present Amendment without prejudice to the subsequent prosecution of claims to some or all of the subject matter which might be disclaimed by virtue of this response (although none is believed to be), and explicitly reserve the right to pursue some or all of such subject matter, in Divisional or Continuation Applications.

II. FOREIGN PRIORITY

On page 2 of the Office Action, the Examiner acknowledged the claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f), but indicated that certified copies of the foreign priority documents (2003-195428 or 2003-195429) have not been received.

Certified copies of the foreign priority documents should be of record at the USPTO as such were submitted by the International Bureau to the USPTO as evidenced by the attached copy of the PCT/IB/308 form. Therefore, please acknowledge the claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f), as well as receipt of the certified copies thereof.

III. PRIOR ART REJECTIONS

Rejections over WARREN

Claims 1-6, 9-11, and 13 were rejected under 35 U.S.C. § 102(b) as anticipated by WARREN (US 3,356,645) for the reasons on pages 2-3 of the Office Action.

Claims 14, 15, 17-19, 21, and 25 were rejected under 35 U.S.C. § 102(b) as anticipated by WARREN (US 3,356,645) for the reasons on pages 3-4 of the Action.

It should be noted that claims 1 and 14 are the independent claims.

For the sole purpose of expediting prosecution and not to acquiesce to the rejections, the claims have been amended to incorporate the subject matter of one or more claims that were not included in the rejections.

For instance, by amending claim 1 to incorporate claims 7 and 8, the present amendment overcomes the first above-noted anticipation rejection of claim 1-6, 9-11, and 13 over WARREN. Similarly, by amending claim 14 to incorporate

claims 6 and/or 21, the present amendment overcomes the second above-noted anticipation rejection of claim 14, 15, 17-19, 21, and 25 over WARREN.

Further, WARREN fails to disclose or suggest a fuel cell, a secondary battery, an electric double layer capacitor, or an electrolytic capacitor using the claimed ion conductor as an electrolyte of new claims 26 and 27. Instead, WARREN only discloses a process for curing epoxy resins and an acid-base mixture used therein. Thus, claims 26 and 27 are also novel and patentable over WARREN.

Also, new claim 28 corresponds to claim 14 but incorporates the subject matter of claims 20 and 21. Accordingly, new claim 28 specifies that the base component of claim 14 comprises both 2-ethyl-4-methylimidazole and 4-methylimidazole, and optionally 2-ethylimidazole. This claim is also novel and patentable over WARREN, because WARREN fails to disclose a base component having both 2-ethyl-4-methylimidazole and 4-methylimidazole. Thus, claim 28 is novel and patentable over WARREN.

Withdrawal of the above-noted rejection over WARREN is requested.

Rejections over KREUER

Claims 1-3, 5, 7-11, and 13 were rejected under 35 U.S.C. § 103(a) as obvious over KREUER et al. (US 6,264,857) for the reasons on pages 5-7 of the Action.

Claims 14-20 and 22-25 were rejected under 35 U.S.C. § 103(a) as obvious over KREUER et al. (US 6,264,857) for the reasons on pages 7-9 of the Action.

Again, claims 1 and 14 are the independent claims.

For the sole purpose of expediting prosecution and not to acquiesce to the rejections, the claims have been amended to incorporate the subject matter of one or more claims that were not included in the rejections. Similarly, by amending claim 1 to incorporate the subject matter of claim 6, the amendment overcomes the obviousness rejection of 1-3, 5, 7-11, and 13 over KREUER.

Similarly, by amending claim 14 to incorporate the subject matter of claim 21, the amendment overcomes the obviousness rejection of 14-20 and 22-25 over KREUER.

Thus, it is clear that claims 1-3, 5, 7-11, 13-20, and 22-25 are novel and patentable over KREUER.

Further, new claim 28 corresponds to claim 14 but incorporates the subject matter of claims 20 and 21. Accordingly, new claim 28 specifies that the base component of claim 14 comprises both 2-ethyl-4-methylimidazole and 4-methylimidazole, and optionally 2-ethylimidazole. This claim is also novel and patentable over KREUER.

Withdrawal of the above-noted rejection over KREUER is requested.

IV. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item(s):

- copy of PCT/IB/308 form.